

SENATE BILL 3793

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 4, relative to the offense of DUI.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting subsection (a)(1) and substituting instead the following:

(a)(1)(A)(i)

Any person violating the provisions of § 55-10-401 shall, upon conviction thereof, for the first offense, be fined not less than three hundred fifty dollars (\$350) nor more than one thousand five hundred dollars (\$1,500); the court shall prohibit such convicted person from driving a vehicle in the state of Tennessee for a period of one (1) year; and such person shall be further punished as provided in subsection (s). In addition to the other penalties set out for a first offense violation, if at the time of such offense the alcohol concentration in such person's blood or breath is twenty hundredths of one percent (.20%) or more, the minimum period of confinement for such person shall be seven (7) consecutive calendar days rather than forty-eight (48) hours. The provisions of this section constitute an enhanced sentence, not a new offense.

(ii) A second or subsequent violation of this section is a Class B felony punishable by imprisonment for a period of twenty (20) calendar years to be served without eligibility for any type of diversion, probation or parole until such time as the entire sentence is served. The court shall

also prohibit such convicted person from driving a vehicle in the state of Tennessee for the rest of such person's life.

(iii) All other provisions of this part shall be considered applicable only to persons violating the provisions of § 55-10-401 for the first time.

(B)(i) Notwithstanding the provisions of subdivision (a)(1)(A)(i), if at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, such person shall be punished by a mandatory minimum incarceration of thirty (30) days and a mandatory minimum fine of one thousand dollars (\$1,000).

(ii) Notwithstanding the provisions of subdivision (a)(1)(A)(i), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and such child suffers serious bodily injury as a result of the violation of § 55-10-401, the person commits a Class D felony.

(iii) Notwithstanding the provisions of subdivision (a)(1)(A)(i), if, at the time of the offense, the person was accompanied by a child under eighteen (18) years of age, and such child is killed as a result of the violation of § 55-10-401, the person commits a Class C felony.

(iv) The period of license suspension provided in subdivision (a)(1)(A)(i) shall also be imposed upon any person sentenced under this subdivision (a)(1)(B).

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.